

REMARKS:

Status of the Claims

Claims 1-28 were originally filed. Claims 1-13 were elected without traverse in response to the Restriction Requirement on August 1, 2006. Claims 1-13 stand rejected in the April 10, 2007 Office Action. In this Amendment, claim 3 is canceled, without prejudice. Accordingly, upon entry of this amendment, claims 1, 2, and 4-13 will be pending. Applicants respectfully request reconsideration and withdrawal of rejection in view of the following remarks.

Claim Rejections Under 35 U.S.C. § 112

Claims 10-13 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Examiner alleges that the expression “greater than about” renders the claim vague and indefinite because it renders the metes and bounds of the scope of the claims are unclear (*See*, Office Action, page 5, lines 14-21). To expedite the prosecution, Applicants amend claim 10 by deleting the phrase “greater than about”. Accordingly, this rejection is considered to be moot.

Claim Rejections Under 35 U.S.C. § 102 - Velazquez et al. (US 6,458,754)

Claims 1 and 7 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Velazquez *et al.* (US 6,458,754). Examiner alleges that Velazquez discloses modified starch encapsulated perfume particles containing a perfume mixture that comprises 75% of perfume materials having ClogP values greater than 3.8. Examiner further alleges that Velazquez teaches incorporating the perfume particles to laundry compositions (*See*, Office Action, page 6, lines 21-27). Applicants respectfully disagree.

As admitted by the Examiner, Velazquez discloses a modified starch as the encapsulating material (*See*, Velazquez, Abstract). However, claim 1 of the present invention recites an encapsulating material that is “. . . a melamine-formaldehyde copolymer, an acrylamide-acrylic acid co-polymer, and mixtures thereof”. Support can be found in the Specification as originally filed (*See*, Specification, pages 36-39,

Examples 1-5). To anticipate, every element and limitation of the claimed invention must be found in a single prior art reference, arranged as in the claim. *Karsten Mfg. Corp. v. Cleveland Golf Co.*, 242 F.3d 1376, 1383, 58 USPQ2d 1286, 1291 (Fed. Cir. 2001); *Scripps Clinic & Research Foundation v. Genetech, Inc.*, 927 F.2d 1565, 1576, 18 USPQ2d 1001, 1010 (Fed. Cir. 1991) The claimed limitation of an encapsulating material can not be found in Velazquez. For at least these reasons, Applicants respectfully request that this 35 U.S.C. § 102 rejection be withdrawn.

Claim Rejections Under 35 U.S.C. § 102 - Caswell (US 6,958,313)

Claims 1, 2, and 7 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Caswell (US 6,958,313), as evidenced by Bacon (US 5,500,138). Examiner alleges that Caswell discloses an example perfume composition of Enduring Perfume A that comprises 65% of perfume materials having ClogP of 4.0 or higher (*See*, Office Action, page 6, line 28 to page 7, line 4). Applicants respectfully disagree.

Same as the Velazquez reference, Caswell fails to disclose a melamine-formaldehyde or an acrylamide-acrylic acid co-polymer, let alone their use as encapsulating materials. As discussed above, the claimed limitation of an encapsulating material can not be found in Caswell. Accordingly, for at least these reasons, Applicants respectfully request that this 35 U.S.C. § 102 rejection be withdrawn.

Claim Rejections Under 35 U.S.C. § 103 - Caswell (US 6,958,313)

Claims 3, 4, and 8-13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Caswell as applied to claims 1, 2, and 7.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations (*See*, MPEP § 2142).

Applicants respectfully submit that Caswell neither teaches nor suggests a melamine-formaldehyde or an acrylamide-acrylic acid co-polymer, which are claimed as the encapsulating materials in the present invention. Accordingly, at least the first and third criteria for establishing a *prima facie* case of obviousness have not been met. For at least these reasons, Applicants respectfully request that this 35 U.S.C. § 103 rejection be withdrawn.

Claim Rejections Under 35 U.S.C. § 103 - Caswell In View Of Birch et al. (US 6,927,195)

Claims 5 and 6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Caswell as applied to claims 1-4 and 7-13, and in further in view of Birch *et al.* (US 6,927,195).

Same as the Caswell reference, Birch does not teach or suggest a melamine-formaldehyde or an acrylamide-acrylic acid co-polymer. Accordingly, the above remarks that the criteria for establishing a *prima facie* case of obviousness have not been met apply. For at least these reasons, Applicants respectfully request that this 35 U.S.C. § 103 rejection be withdrawn.

Double Patenting

Claims 1-13 stand rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-17 of U.S. Patent No. 7,122,512 and claims 1-24 of U.S. Patent No. 7,119,057. Claims 1-11 and 13 stand rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 7,105,064.

In response to these double patenting rejections, Applicants submit herewith a terminal disclaimer in compliance with 37 CFR. § 1.321, together with a fee required under 37 CFR § 1.20(d). Accordingly, Applicants respectfully request these rejections to be withdrawn.

CONCLUSION:

In view of the foregoing, Applicants respectfully request reconsideration, withdrawal of rejections, and allowance of all claims now present in the application.

The Commissioner is authorized to charge any required fees, including any extension and/or excess claim fees, any additional fees, or credit any overpayment to the Deposit Account No. 12-1295.

Respectfully submitted,



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